

## Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for  
Victor Valley Regional Composting Facility  
SWIS No. 36-AA-0403  
September 26, 2013

### **Background Information, Analysis, and Findings:**

This report was developed in response to the San Bernardino County, Department of Public Health, Division of Environmental Services (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Victor Valley Regional Composting Facility, SWIS No. 36-AA-0403, located in San Bernardino County and owned by Victor Valley Wastewater Reclamation Authority and operated by American Organics Recycling. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on August 13, 2013. A new proposed permit was received on September 18, 2013. Action must be taken on this permit no later than November 17, 2013. If no action is taken by November 17, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

### **Proposed Changes:**

The following changes to the first page of the permit are being proposed:

	Current SWFP (2002)	Proposed SWFP
Permitted Operations	Mixed Solid Waste Composting Facility (feedstocks restricted per the RFI/RCSI)  RWQCB Approved Liquid Wastes (for composting purposes only)	Mixed Solid Waste Composting Facility (Feedstock Restricted per the RFI/RCSI)
Permitted Hours of Operations	Open to the Public: 7:00 a.m. to 4:30 p.m. – Monday- Friday (except holidays)  Hours of Site Activities: 24 hrs. per day/Mon. - Sat.  Except: Site closed New Year Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day	Open to the Public: 7:00 a.m. to 4:00 p.m. – Monday - Friday 7:00 a.m. to 3:30 p.m. - Saturday (except holidays)  Hours of Site Activities: 24 hrs. per day/Mon. - Sat.  Except: Site closed New Year Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

Other changes include:

1. Update the LEA permit conditions; and
2. Modify/update the Report of Composting Site Information.

**Key Issues:**

The proposed permit will allow for the following:

1. Change in public days and hours of operations from 7:00 a.m. – 4:30 p.m. Monday – Friday to 7:00 a.m. – 4:00 p.m. Monday – Friday; and Saturday 7:00 a.m. - 3:30 p.m..

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 26, 2010. The LEA provided a copy to the Department as part of their permit submittal package received on August 13, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on September 18, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on August 13, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated August 29, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff and LEA found that the facility was in compliance with all operating and design requirements during an inspection conducted on September 4, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on August 13, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on March 26, 2013. No written or oral comments were received by the LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 28, 2013 and found the facility to be in compliance with applicable state minimum standards and permit conditions. More recently, Permitting and Assistance Branch staff accompanied the LEA on their monthly inspection on September 4, 2013. The LEA found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 (January – August) – No violations noted.
- 2012 – One violation of 30 Public Resource Code – Terms and Conditions of SWFP, and one violation of 14 CCR Section 17867 – Vector/Odor/Litter/ Hazard/Nuisance/ Noise/Dust.
- 2009–2011 – No violations were noted.

All violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Department of Public Health, Division of Environmental Health Services – Local Enforcement Agency (LEA), acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: a change in the days and hours that the facility is open to the public. The current public hours and days of are 7:00 a.m. – 4:30 p.m., Monday - Friday. The proposed public hours and days are 7:00:a.m. - 4:00 p.m., Monday – Friday; and Saturday 7:00 a.m. - 3:30 p.m.. These changes are supported by the following environmental documents.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 99111005, was circulated for a 30 day comment period from November 1, 1999 to November 30, 1999. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP). The MND, together with the MMRP, was approved by Victor Valley Wastewater Reclamation Authority, the Lead Agency on December 6, 1999. Later this document was revised; however, it was not sent to the State Clearinghouse for circulation to other Responsible Agencies, or the California Integrated Waste Management Agency (CIWMB), now CalRecycle. To ensure compliance with the CEQA, the CIWMB circulated the revised MND for a 30 day comment period from March 12, 2000 to April 11, 2000. The CIWMB approved the revised MND, together with the MMRP. An Addendum No. 1 to the revised MND was prepared by the San Bernardino County Department of Public Health, Division of Environmental Health Services (LEA), acting as the Lead Agency under CEQA for the proposed change in hours open to the public, and a Notice of Determination was filed with the County of San Bernardino Clerk on May 17, 2013. The San Bernardino County Department of Public Health, Division of Environmental Health Services (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the revised MND Addendum No. 1 document as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the revised MND Addendum No. 1, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the revised MND Addendum No. 1 adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

#### **Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 26, 2013, at Victor Valley Regional Composting Facility at 20055 Shay Road, Victorville, CA. No written comments were received by LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 17, 2013.